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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,683	09/30/2003	Neila Johnilynn Wunderlich	45,024	8209

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EXAMINER

STONE, JENNIFER A

ART UNIT PAPER NUMBER

2636

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/676,683

Applicant(s)

WUNDERLICH, NEILA
JOHNILYNN

Examiner

Jennifer A Stone

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Claim Objections

1. Claim 3 is objected to because of the following informalities: "programmable" is misspelled in lines 3, 5, and 7. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Wentworth (US 2002/0190861).

Wentworth discloses a monitoring and alert system that monitors location with respect to predetermined geographical boundaries, and to alert should the person being monitored stray beyond those selected boundaries, said monitoring and alert system comprising: a remote central monitoring station (parag 0007, Ins 5-9), a wrist device having a watch face and watch band (Fig. 2; parag 0057), a communication link means for interfacing the remote central monitoring station with the wrist device (parag 0007, Ins 1-5), wherein the remote central monitoring system further comprising a distance display means (parag 0012, Ins 1-3; Fig. 1, item 76; parag 0051, Ins 7-11), a set distance means (parag 0048, Ins 1-10); a paging button means (parag 0014, Ins 1-8), a

digital watch display means (parag 0033; Fig. 1, item 28), an indicator and signal means (parag 0032, Ins 9-17, Fig. 1, items 30, 40, and 32), wherein the wrist device further comprising a distance display means (Fig. 2, item 74; parag 0055, Ins 1-5), a direction locator means (Fig. 2, item 86; parag 0035, ln 7; parag 0042, Ins 1-4), a paging button means (parag 0034, ln 4; Fig. 2, item 68; parag 0047, Ins 1-3 and 6-10, a digital watch display means (parag 0035, Ins 1-4; Fig. 2, item 66), an indicator and signal means (parag 0035, Ins 6-10; Fig. 2, items 86, 88, 90, and 62), wherein the remote central monitoring station including means to continuously monitor distance between the remote central monitoring station and the wrist device (parag 0009, Ins12-21).

4. Claims 3-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Wentworth (US 2002/0190861).

For claim 3, Wentworth discloses a monitoring and alert system that monitors location and alerts based on signals outside parameters comprising: a programmable monitoring station including an antenna receiving a signal indicating a distance to a portable device (parag 0008, Ins 1-4 and last 9 lines; Fig. 1, item 40), a communication link interfacing the programmable monitoring system with the portable device (Fig. 3, item 106; parag 0030), wherein the programmable monitoring station includes a distance display, a direction display and a monitor alarm (Fig. 1, items 32, 76, and 42), wherein said monitoring station monitors the distance from said monitoring station to said portable device and generates an alarm signal upon said distance exceeding a set parameter indicating distance (parag 0011, Ins 11-19).

For claim 4, the portable device is worn on a wrist of a person whose location is to be monitored (parag 0057).

For claim 5, a GPS device in said portable device transmits a signal indicating said distance and a direction from said monitoring station to said portable device (parag 0030; Fig. 3, item 96; parag 0012, Ins 1-4).

For claim 6, Wentworth discloses a portable device includes a link indicator that senses a radio link exists between said monitoring station and said portable device (Fig. 2, item 82) and said link indicator will send an alarm signal to an alarm in said portable device if said radio link is broken (parag 0044, Ins 26-38; parag 0053, Ins 1-5, 12-16, and 20-24). The icon indicates that a radio link exists between the monitoring station and the portable device when broken handset icon (82) is not illuminated and the portable device indicates a distance and direction in reference to the monitoring station,

For claim 7, the GPS device senses a signal indicating a position of said portable device if said radio link is broken (parag 0044, Ins 26-33).

For claim 8, the alarm in said portable device includes at least one alarm from set including a visual, physical and sound alarm (parag 0044, Ins 33-38).

5. Claims 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Wentworth (US 2002/0190861).

For claim 9, Wentworth discloses a monitoring and alert system that monitors location and alerts based on signals outside parameters comprising: a monitoring station including an antenna receiving a radio signal indicating a distance to a portable device (parags 0007, Ins 3-5 and 0043, Ins 3-6; Fig. 1, item 40), a radio communication

link interfacing the monitoring system with the portable device (Fig. 3, item 106; parag 0030), wherein the monitoring station includes a distance display, a direction display and a monitor alarm (Fig. 1, items 32, 76, and 42), wherein said monitoring station monitors the distance from said monitoring station to said portable device and generates a monitoring station alarm signal upon said distance and direction being outside a set parameter (parag 0011, Ins 11-19).

For claim 10, a GPS device in said portable device transmits a signal indicating said distance and a direction from said monitoring station when a communication link is broken (parag 0053, Ins 1-6 and 20-24).

For claim 11, Wentworth discloses a portable device includes a link indicator that senses a radio link exists between said monitoring station and said portable device (Fig. 2, item 82) and said link indicator will send a portable device alarm signal to an alarm in said portable device if said radio link is broken and wherein said alarm signal will trigger a GPS device in said portable device (parag 0053, Ins 1-5, 12-16, and 20-24). When broken handset icon (82) is not illuminated and the portable device indicates a distance and direction in reference to the monitoring station, the icon indicates that a radio link exists between the monitoring station and the portable device.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wentworth (US 2002/0190861).

The remote central monitoring station is typically located in a user's personal area, and the wrist device is worn by the person to be monitored (parag 0007, Ins 7-9; parag 0057). It would have been obvious to one of ordinary skill in the art, at the time the invention was made to include a user's home as a user's personal area so that, for convenience purposes, a child is monitored while outside the perimeter of the home by a caretaker inside the home.

8. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wentworth (US 2002/0190861) as applied to claim 11 above, and further in view of Haner (US 6,396,403).

For claim 12, Wentworth discloses a portable device positioned on a person to be monitored, but does not include a lock. However, Haner discloses a lock to prevent a portable device from being removed from a person (col 3, Ins 20-24; col 4, Ins 48-51; Fig. 3, items 10a and 10b). It would have been obvious to include a locking mechanism on a bracelet so that a parent at a monitoring station is guaranteed communication with a child wearing the portable device.

For claim 13, the monitoring station includes a clock and wherein said monitoring station prints time referenced locations of said GPS device once said alarm signal is sent (parag 0009, last 6 lines; parag 0010, last 11 lines; parag 0011, last 7 lines).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Turner et al. (US 2004/0046658) discloses a watch style portable transceiver that uses GPS to determine an out of range portable transceiver.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A. Stone whose telephone number is (571) 272.2976. The examiner can normally be reached 8:00-4:30, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeffery Hofsass can be reached at (571) 272.2981. The fax phone number for the organization where this application or proceeding is assigned is (703) 872.9306 for regular and after final communications.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272.2600.

Jennifer Stone
February 23, 2005



JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600